

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EULALIO CASTRO ZAVALA,

Plaintiff,

v.

Civ. No. 20-0738 KG/SMV

CHISHOLM ENERGY OPERATING, LLC;
CHISHOLM ENERGY MANAGEMENT, LLC; and
CONTEK SOLUTIONS, LLC,

Defendants.

ORDER OF REMAND

On July 23, 2020, Defendants removed this state case on the basis of diversity jurisdiction. (Doc. 4). On August 24, 2020, Plaintiff filed a Motion to Remand arguing a lack of diversity of citizenship. (Doc. 20); *see also* 28 U.S.C. § 1441(a)(2) (stating that case is not removable on basis of diversity jurisdiction if defendant “is a citizen of the State in which such action is brought”).

Defendants Chisholm Energy Operating, LLC and Chisholm Energy Management, LLC did not respond to the Motion to Remand. Having subsequently discovered information pertinent to the issue of diversity of citizenship, and having, thus, concluded that diversity of citizenship does not exist, Defendant Contek Solutions, LLC filed a Notice of Withdrawal of Opposition to Plaintiff’s Motion to Remand. (Doc. 28). Given the above circumstances and the lack of diversity of citizenship, the Court determines that diversity jurisdiction does not exist. Consequently, the Court will grant the Motion to Remand.

IT IS ORDERED that:

1. Plaintiff's Motion to Remand (Doc. 20) is granted; and
2. this lawsuit is remanded to the Fifth Judicial District Court, County of Eddy, State of New Mexico.



UNITED STATES DISTRICT JUDGE